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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CENTER FOR BIOLOGICAL DIVERSITY,  
DEFENDERS OF WILDLIFE, SIERRA CLUB,  
NATURAL RESOURCES DEFENSE COUNCIL,  
NATIONAL PARKS CONSERVATION  
ASSOCIATION, WILDEARTH GUARDIANS,  
and THE HUMANE SOCIETY OF THE UNITED  
STATES,

Plaintiffs,

v.

DAVID BERNHARDT, U.S. Secretary of the  
Interior, U.S. FISH AND WILDLIFE SERVICE,  
WILBUR ROSS, U.S. Secretary of Commerce, and  
NATIONAL MARINE FISHERIES SERVICE,

Defendants,

Case No. 4:19-cv-05206-JST

Related Cases: No. 4:19-cv-06013-JST  
No. 4:19-cv-06812-JST

JOINT STIPULATION TO  
RESCHEDULE CASE MANAGEMENT  
CONFERENCE

JOINT STIPULATION TO  
RESCHEDULE CASE MANAGEMENT CONFERENCE  
Case No. 4:19-cv-05206-JST - 1 -

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Pursuant to Civil Local Rules 7-12 and 16-2, Plaintiffs and Federal Defendants in the three related cases of *Center for Biological Diversity v. Bernhardt*, No. 19-cv-05206, *California v. Bernhardt*, No. 19-cv-06013, and *Animal Legal Def. Fund v. Bernhardt*, No. 19-cv-06812, jointly stipulate to a request for an order continuing the Initial Case Management Conference, and the deadline for filing the parties' Case Management Statements, until after the Court rules on the pending motions to dismiss. Specifically, the parties propose that the Initial Case Management Conference be continued to three weeks after the Court issues its final ruling on Federal Defendants' pending motions to dismiss, and that the parties submit Case Management Statements at least seven days before the Initial Case Management Conference. In support of the joint stipulation, the parties set forth the following reasons for the requested continuances and the effect that such continuances would have on the management of the case:

1. This Court has before it three related cases challenging Endangered Species Act regulations promulgated by the U.S. Department of the Interior, U.S. Fish and Wildlife Service, U.S. Department of Commerce, and National Marine Fisheries Service.

2. On October 22, 2019, this Court reset deadlines in 19-cv-05206 (ECF 24) and 19-cv-06013 (ECF 29), scheduling the Case Management Statement for February 25, 2020 and Initial Case Management Conference for March 3, 2020. On November 7, 2019, this Court set the same dates for related case 19-cv-06812 (ECF 18).

3. On December 6, 2019, Federal Defendants filed identical motions to dismiss in all three cases for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure section 12(b)(1). Plaintiffs filed their opposition briefs on January 7, 2020; and Federal Defendants filed their reply briefs on January 24, 2020. The Federal Defendants' motions are now scheduled for hearing in this Court on February 26, 2020 at 2 p.m.

1           4.     Previous modifications to the case schedule include: (1) the parties' stipulation to  
2 enlarge the time for Federal Defendants to file responsive pleadings (19-cv-05206, ECF 22), (2)  
3 the parties' stipulation to enlarge the time for briefing on the Federal Defendants' motion to  
4 dismiss (19-cv-05206, ECF 32; 19-cv-06013, ECF 44; 19-cv-06812, ECF 19) and (3) the clerk's  
5 notice continuing the motion hearing to February 26, 2020 and resetting briefing deadlines per  
6 the parties' stipulation (19-cv-05206, ECF 35; 19-cv-06013, ECF 48; 19-cv-06812, ECF 23).

7           5.     Federal Defendants previously represented to the Court that if the Court denies  
8 their motions to dismiss, they will file the administrative record(s) two weeks after the court's  
9 ruling on their motions (e.g., 19-cv-5206, ECF 22), at which time the cases will be ready for  
10 briefing on the parties' cross-motions for summary judgment.

11           6.     Under the current schedule, the parties' Case Management Statements are due one  
12 day prior to the hearing on Federal Defendants' motions to dismiss. Because the Court's ruling  
13 on the pending motions to dismiss will directly affect how these three related cases will be  
14 managed going forward, it does not make practical sense for the parties to meet and confer and  
15 file their Case Management Statements prior to the Court's ruling on the motions to dismiss.  
16 Continuing the date for the Initial Case Management Conference and the deadline for submission  
17 of the Case Management Statements until after the Court's ruling on the motions to dismiss will  
18 allow the parties sufficient time to coordinate on a case briefing and hearing schedule if the  
19 Court denies the Federal Defendants' motions in full or in part, and will avoid wasting both the  
20 Court's and the parties' time and resources.

21           7.     No other deadlines have been set in these cases that would be affected by the  
22 requested continuances.

1           \*In compliance with Local Rule 5-1(i), the filer of this document attests that all  
2 signatories listed have concurred in the filing of this document.

3           DATED: February 6, 2020.

Respectfully submitted,

4           *s/ Paulo Palugod*

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DATED: February 6, 2020.

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